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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 JESSIE MENDOZA,

11 Defendant.
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Case No. 2:16-cr-00324-LRH-GWF

ORDER

13 This matter is before the Court on the Government's Motion to Strike (ECF No. 79), filed on
14 June 12, 2017.

15 The Government requests that the Court strike Defendant's Notice of Assertion of Right to
16 be Present in Court Unshackled (ECF No. 78) as improperly filed. The Court construes Defendant's
17 filing as a notice of an assertion of his right to not be shackled or placed in other physical restraints
18 during any pretrial hearing. Trial is set for August 10, 2017. This matter is not set for hearing on
19 any pretrial motions. The Court, therefore, denies the Government's motion as premature.
20 Accordingly,

21 **IT IS HEREBY ORDERED** that the Government's Motion to Strike (ECF No. 79) is
22 **denied.**

23 DATED this 13th day of June, 2017.
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25 
26 GEORGE FOLEY, JR.
27 United States Magistrate Judge
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